Court No. -1

Civil Misc. Writ Petition No. 64 of 2001

Ravi Kant …….. Petitioner.

Versus

Vice-Chancellor, G.B. Pant University and others ……Respondents.

……..

Hon'ble P.C. Verma, J.

The petitioner appeared in the test for admission in B.Sc. Agriculture in the session 2000-2001. Infact the session commenced from January, 2001. The petitioner was asked to appear before the counselling committee and he after depositing the requisite fee, appeared before the counselling committee and was allotted rank 1529. The Petitioner was offered admission but before depositing his fee for the admission, his admission was cancelled on the ground that the petitioner did not file certificate of O.B.C. category as required by Sub Clause -6 of admit card. Sub clause-6 of Clause-9 reads under:

> "Original copy of Category/Weightage certificate a copy of which you have submitted a long with application. In case of O.B.C. category, the OBC certificate issued after 31.03.2000 must be submitted original."

According to the learned counsel for the University the petitioner ought to have submitted the caste certificate duly issued after 31.03.2000 which was not filed by him and the petitioner also did not apply for extension of time for the submission of the said certificate, such certificate as column No. 8 of check list

to be filled in by the candidate as contained in annexure-3 was left bank, therefore, his admission was cancelled. Thus it cannot be said that opportunity was not given to the petitioner for filing the said certificate.

The petitioner has filed the caste certificate on 22.1.2001 which is contained in Annexure-8 to the writ petition. The genuineness of the said certificate has also not been denied by the University.

From the perusal of condition contained in annexure-4 i.e. admit card as well as annexure-3 to be filled in by the candidate it is evident that there is no provision providing for cancellation of admission in case of failure to file the OBC certificate by 31.03.2000 rather Clause -8 of check list enables the candidate to seek time for filing the document. Thus neither the admit card nor the check list filled by the candidate contained any mandatory provision providing for cancellation of admission in case of failure in filing the OBC certificate by 31.3.2000.

I have compared both the certificates filed along with the application from as well as filed by the petitioner as contained in annexure-3 to the writ petition issued on 22.1.2001. Both are similar and identical. The petitioner has not switched over to the creamy layer upto 22.1.2001, thus he belongs to OBC category and he is entitled for admission. Therefore, the writ petition deserves to be allowed and the same is allowed. A writ of

certiorari is issued. The order of cancelling the admission of the petitioner is quashed. A further writ of mandamus is issued commanding the respondents to admit the petitioner in B.Sc Agriculture Ist year within 15 days from the date of production of a certified copy of this order.

No order as to costs.

(P.C. Verma, J.)

R. P. Singh
12.3.2001